

REMARKS

This Response is submitted in reply to an Office Action dated May 04, 2005 in which all of pending claims 1-34, 63-78, and 165-180 were rejected on prior art grounds. (Claims 35-62 and 79-164 stand as withdrawn with respect to the Examiner's previous restriction requirement.) Herein, claims 1, 12, 23, 29, 63, 71, 165, and 173 are amended to include the limitations, respectively, of claims 8, 19, 25, 31, 69, 77, 171, and 179. These latter claims are correspondingly cancelled. Also, claims 1, 6, 11, 12, 17, 22, 23, 28, 29, 34, 63, 70, 71, 78, 165, 172, 173, and 180 are herein amended to change "infrared commands" to "wireless commands". Antecedent basis for this change is found throughout the original application, for example, at paragraph 0062. Further, claim 191 is herein newly added. Applicant respectfully requests entry and consideration of the present Amendments and Remarks which overcome the outstanding rejections and place the application in condition for allowance.

The Examiner's various rejections are now considered in turn.

Claims 1-5, 7-16, 18-34, and 165-180 are rejected under 35 U.S.C. 103 as allegedly being obvious in view of U.S. Patent No. 5,933,085 to Holcomb. In response, claim 1 is herein amended to include the limitations of claim 8. That is, amended claim 1 now recites a method of effecting a reduction of energy usage in a room of a multi-unit building comprising, *inter alia*, generating digital commands in response to a determination of a vacant occupancy status of the room and providing the digital commands by a network to a gateway device connected to the network and located inside the room. That is, the network provides the digital commands to the gateway device within the room to thus effect energy reduction. This allows external control of energy usage within the room.

Holcomb simply does not provide this claim limitation. Holcomb provides a lock-dependent, closed system which is not externally acuatable, e.g., from a building network, etc. That is, Holcomb provides an electronic lock system which combines an electronic lock with an in-room energy control unit such that when a guest key is used in the lock the lock

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communicates with the energy control unit to move from an unsold state to a sold state. See, e.g., Abstract. When switched to the sold state, the energy control unit moves the temperature from a level determined by hotel management (the unsold/unoccupied state) to a level selected by the guest which is typically higher than the hotel setting. Col. 3, line 66 through col. 4 line 14; Col. 6, line 56 through col. 7, line 9. However, Holcomb is a local system, only being activated by the guest inserting the key into the electronic lock. Holcomb does not provide digital energy system control commands from a network, as recited in claim 1. Thus, Holcomb does not teach or suggest all of the limitations of claim 1. Accordingly, claim 1 is allowable over Holcomb; reconsideration and withdrawal of the relevant rejection is respectfully requested.

Claims 2-5, 7-11 depend from claim 1 and are thus correspondingly allowable over Holcomb.

The remaining independent claims 12, 23, 29, 63, 71, 165, and 173 are herein amended to include the above discussed limitation of claim 1. Thus these claims are allowable over Holcomb for at least the reason mentioned with regard to claim 1. Claims 11-16, 18-34, 166-172, and 174-180 variously depend from independent claims 12, 23, 29, 165, and 173 and are thus correspondingly allowable over Holcomb.

Claims 6, 17, and 63-78 are rejected under 35 U.S.C. §103(a) as being obvious over Holcomb in view of U.S. Patent No. 5,675,487 to Patterson. All of these claims require the limitation discussed above concerning claim 1 and are thus allowable over Holcomb. Patterson does not remedy the deficiencies of Holcomb. That is, Patterson does not provide a method of effecting a reduction of energy usage in a room of a multi-unit building comprising generating digital commands in response to a determination of a vacant occupancy status of the room and providing the digital commands by a network to a gateway device connected to the network and located inside the room, as recited in the claims. To the contrary, Patterson teaches a system of controlling energy through a window which utilizes a microcontroller to

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monitor incident sunlight and to adjust window binds accordingly to maximize light and minimize energy loss. Here again, Patterson provide a local room-bound system contrary to the claimed invention. Thus for at least this reason, Patterson does not teach or suggest each and every limitation of claims 6, 17, and 63-78. Accordingly, these claims are allowable over Patterson taken alone or in combination with Holcomb.

Accordingly, all of the pending claims are novel and non-obvious over the relied-upon references. Reconsideration and withdrawal of all outstanding rejections is respectfully requested.

The Examiner is invited to contact Applicant's attorneys at the below telephone number concerning this response or otherwise regarding the present application.

Applicant hereby petitions for any extension of time necessary for consideration of the present response.

If there are any charges with respect to this amendment, or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

Respectfully submitted,

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